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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,192	05/05/2006	Markus Dueringer	032553-052	9178
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EXAMINER HUSON, MONICA ANNE				
ART UNIT 1791		PAPER NUMBER		
NOTIFICATION DATE 02/25/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
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Office Action Summary

Application No.

10/547,192

Applicant(s)

DUEINGER ET AL.

Examiner

MONICA A. HUSON

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-21 and 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8-15, 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 16-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the Amendment filed 13 November 2009.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-18, and 23-27 rejected under 35 U.S.C. 102(b) as being anticipated by Linss et al. (U.S. Patent 5,330,342). Regarding Claims 16-18 and 23, Linss et al., hereafter "Linss '342," show that it is known to carry out a process for producing hollow bodies (Abstract) by using a blow molding apparatus and process (Figure 2-4; Column 5, lines 29-53), and the specific arrangement of parts (Figure 1, blow mandrel=10, blow molding tool=11, extrusion head=30, 1, 2), noting especially that the relative axial distance between the extruder head and the end of the blow molding tool is adjustable (Column 4, lines 46-47).

Regarding Claim 24, Linss '342 shows the process as claimed as discussed in the rejection of Claim 16 above, including a method wherein the extrusion head is made for continuous extrusion (Column 2, lines 1-9; it is interpreted that the extrusion is continuous to create the continuously changing wall thickness).

Regarding Claim 25, Linss '342 shows the process as claimed as discussed in the rejection of Claim 16 above, including the specific relative movement (Figure 1, movement indicators 5, 7).

Regarding Claim 26, Linss '342 shows the process as claimed as discussed in the rejection of Claim 16, relatively, above, including a method wherein the plastic tube is inclined relative to its extrusion direction (Figure 1, element 18).

Regarding Claim 27, Linss '342 shows the process as claimed as discussed in the rejection of Claim 16, relatively, above, including the claimed blow mold configuration (Figure 1, element 11; Column 4, lines 53-60).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19-21, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linss '342. Linss '342 shows the process as claimed as discussed in the rejection of Claim 16 above, but he does not show duplicated elements. However, mere duplication of parts has no patentable significance unless a new or unexpected result is produced (MPEP 2144.04 (VI)(B)). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use any appropriate number of elements during Linss '342's molding process in order to form the desired number of articles per cycle.

Response to Arguments

Applicant's arguments, see Remarks, filed 13 November 2009, with respect to Amended Claim 1 and its dependents have been fully considered and are persuasive. The rejection of those claims has been withdrawn.

Applicant's arguments filed 13 November 2009 with respect to claim 16 and its dependents have been fully considered but they are not persuasive. Applicant contends that Linss '342 does not show that there is a change in relative axial difference between the blow mold half and the blow mandrel. This is not persuasive because this is not

claimed; an axial distance that *can* be adjusted is claimed, not an actual difference, i.e. change in axial difference.

Allowable Subject Matter

Claims 1-6, 8-15, and 29-30 are allowed. See especially amendment filed 13 November and applicant's arguments directed to the difference between Linss '342 and the amendment.

The examiner notes that U.S. Patent 2,288,454 to Hobson (already cited in the application) does not show or suggest the claimed method including "during a blowing process, a relative distance between the extruder head and the blow molding tool arrangement is increased" because during Hobson's blowing, the extruder head is within the blow molding tool (Figures 2-3), and therefore it cannot be interpreted that any relative distance between the extruder head and the blow molding tool arrangement is increased.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA A. HUSON whose telephone number is (571)272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica A Huson
Primary Examiner
Art Unit 1791

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